

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
SIMON LOVETT

Serial No.: 10/726,439

Filed: December 3, 2003

For: COMPENSATED REFRESH  
OSCILLATOR

Group Art Unit: 2824

Examiner: ERIC J. WENDLER

Conf. No.: 6743

Atty. Dkt.: 2008.007100/02-0265

**COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Office Mailed a Notice of Allowance on May 4, 2007, allowing all of the pending claims 1-56. The due date for paying the Issue Fee is August 4, 2007. This document is being filed, concurrently with the transmittal of the issue fee, on Monday, August 6, 2007 (since August 4 falls on a Saturday), therefore, it is timely filed.

It appears that, for convenience, the Examiner has paraphrased the claimed language in the Reasons for Allowance. While the Applicant understands the Examiner's desire to use convenient phraseology, the Applicant notes that the proper scope of the claims should be governed based on the express language of the claims themselves in the event there is any inconsistency (actual or perceived) between the claimed language and the Examiner's paraphrasing. Furthermore, words used in the Examiner's paraphrasing should not be construed as claim limitations if the claims themselves do not include the language referenced by the Examiner. For example, the claims do not contain language that relates to the refresh rates being "controlled directly and solely," which is a phrase used by the Examiner to describe the claims

(see Page 2 of the Notice of Allowable). The claims are not be construed to have any such limitations. The claims are to be construed based upon the actual language of the claims. Other references or characterizations made by the Examiner in his Reasons for Allowance that are not present in the claims are not to be construed as limitations.

The intended respective scopes of the claims are defined by the respective languages recited in the claims.

Should the Examiner have any questions, the Examiner is invited to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069.

Date: <u>August 6, 2007</u>	Respectfully submitted,  WILLIAMS, MORGAN & AMERSON, P.C. CUSTOMER NO. 23720  By: <u>/Jaison C. John/</u> Jaison C. John, Reg. 50,737 10333 Richmond, Suite 1100 Houston, Texas 77042 (713) 934-4069 (713) 934-7011 (facsimile) ATTORNEY FOR APPLICANT(S)
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